

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEITH ASHMEADE,

Plaintiff,

v.

AMAZON.COM, *et al.*,

Defendants.

No. 23-CV-4331 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

Plaintiff Keith Ashmeade brings this Action against Defendants Amazon.com Services LLC, Audrey Atwell, Joe McLaughlin, Janet Simonelli, and Dan Willard-Concepcion. (*See* Am. Compl. (Dkt. No. 4).)<sup>1</sup>

Plaintiff is directed to respond to Defendant Amazon.com Services LLC’s pre-motion letter by no later than Friday, October 20, 2023. (*See* Oct. 12 Freedberg Letter.) In particular, Plaintiff should address whether his proposed Second Amended Complaint, (Dkt. No. 6), cures the defects that Defendant Amazon.com Services LLC claims exist in the First Amended Complaint.

Further, Plaintiff’s Motions for Subpoenas to Produce Records, (Dkt. Nos. 5, 7–8), are premature and therefore are denied without prejudice. This case will proceed to discovery in the normal course, should the Complaint survive Defendant Amazon.com Services LLC’s contemplated Motion To Dismiss.

The Clerk of Court is respectfully directed to terminate the pending Motions for Subpoenas to Produce Records, (Dkt. Nos. 5, 7–8), and to mail a copy of this Order to Plaintiff.

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<sup>1</sup> Plaintiff’s Amended Complaint names the corporate Defendant as “Amazon.com; A/K/A Amazon.com Services LLC: A/K/A Amazon.com Inc.” (Am. Compl. 2.) The corporate Defendant asserts that “Plaintiff was employed by Amazon.com Services LLC and only that entity should be named as a Defendant in this Action.” (*See* Letter from Eli Z. Freedberg, Esq. to Court (Oct. 12, 2023) (“Oct. 12 Freedberg Letter”) (Dkt. No. 24).) For clarity, the Court will refer to the corporate Defendant as “Amazon.com Services LLC” herein.

SO ORDERED.

Dated: October 13, 2023  
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is positioned above a horizontal line.

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KENNETH M. KARAS  
United States District Judge